

PLEA: Nolo contendere.

DISPOSITION: 1-27-61. Fine of \$100, plus costs.

27137. Oleomargarine. (F.D.C. No. 44636. S. Nos. 90-664 P, 90-667/8 P.)

INFORMATION FILED: 9-6-60, Dist. R.I., against Barney M. Gordon, t/a Gordon's Meat Market, Central Falls, R.I.

ALLEGED VIOLATION: On 2-4-60, the defendant unlawfully sold and offered for sale a number of 1-lb. prints of colored oleomargarine or colored margarine.

CHARGE: 407(b)(1)—the colored margarine or colored oleomargarine was not packaged; and 407(b)(3)—the label of the article failed to bear (A) the word "oleomargarine" or "margarine"; and (B) a full and accurate statement of all the ingredients contained in such colored oleomargarine or margarine.

PLEA: Guilty.

DISPOSITION: 2-3-61. 1 year's probation.

SPICES, FLAVORS, AND SEASONING MATERIALS

27138. Garlic. (F.D.C. No. 45354. S. Nos. 67-230/1 R.)

QUANTITY: 633 30-lb. crates at New York, N.Y.

SHIPPED: 1-10-61, from Dallas, Tex.

LIBELED: 1-19-61, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained live insects and insect parts, and moldy garlic while held for sale.

DISPOSITION: 3-2-61. Default—destruction.

27139. Garlic. (F.D.C. No. 45391. S. No. 67-229 R.)

QUANTITY: 281 50-lb. bags at Dallas, Tex.

SHIPPED: 10-17-60, from Watsonville, Calif.

LIBELED: 1-25-61, N. Dist. Tex.

CHARGE: 402(a)(3)—contained insects and insect parts, and moldy garlic while held for sale.

DISPOSITION: 3-10-61. Default—destruction.

27140. Sage leaves. (F.D.C. No. 45000. S. No. 32-444 R.)

QUANTITY: 72 100-lb. bags at Hoboken, N.J., in possession of Hoboken Dock Stores, Inc.

SHIPPED: 1-5-59, from Albania.

LIBELED: 10-6-60, Dist. N.J.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-22-60. Consent—claimed by Sokol & Co., Chicago, Ill. Segregated; 50 lbs. destroyed.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27141. Vitamin tablets. (F.D.C. No. 44866. S. Nos. 15-909/11 R.)

QUANTITY: 3 drums, containing a total of 70,000 tablets, 225 100-tablet btls., and 216 30-tablet btls., at Evansville, Ind., in possession of Robert L. Elliott, t/a Elliott Laboratories.

SHIPPED: The tablets were shipped in bulk drums on 10-10-58, from Long Island City, N.Y.

LABEL IN PART: (Drum) "Special Formula C.F. 5726 Lot. No. 39821 * * * Each Tablet * * * Contains: 50 mg. Ascorbic acid 1 mg. Thiamine chloride 0.1 mg. Pyridoxine HCl. 10 mcg. Vitamin B-12 USP 0.1% Trituration 5000 U Vitamin A Palmitate 1000 U Vitamin D Crystals" and (btl.) "Appetite Vitamins APETITES Chewed Like Candy * * * Tastes Like Candy * * * Distributed by Elliott Laboratories 4712 Stratford Road, Evansville, Indiana Each tablet contains: * * * Vitamin B-12 USP 10 mcg."

RESULTS OF INVESTIGATION: The tablets in the bottles were repacked by the dealer from the bulk stock shipped as described above, and relabeled.

Examination showed that the article contained about 50 percent of the declared amount of Vitamin B₁₂.

LBELED: 8-29-60, S. Dist. Ind.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article; 403(a)—the label statements (drum) "10 mcg. Vitamin B-12 USP" and (btl.) "Vitamin B-12 USP 10 mcg." were false and misleading; 403(a)—the label statements (btl.) "Tastes Like Candy," "Chewed Like Candy," and "Apetites Candy Tablets," were misleading, since they suggested and implied that the article was confectionery, whereas, the article was a food for special dietary use and was not confectionery; and 403(a)—the bottle label contained false and misleading representations that the article was adequate and effective to stimulate the appetite in children and adults.

DISPOSITION: 12-1-60. Default—destruction.

27142. Vitamin tablets. (F.D.C. No. 45063. S. No. 29-646 R.)

QUANTITY: 97 cases, 12 100-tablet btl. each, 16 cases, 6 250-tablet btl. each, and 21 cases, 12 50-tablet btl. each, at St. Paul, Minn., in possession of Vitamin Council, Inc.

SHIPPED: The tablets were shipped in bulk on 8-10-60 and 8-19-60, from St. Louis, Mo.

RESULTS OF INVESTIGATION: The article in the bottles was received in bulk form and repacked and labeled by the dealer. Examination showed that the article contained approximately 78 percent of the declared amount of vitamin B₁₂.

LBELED: 11-1-60, Dist. Minn.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin B₁₂, had been in part omitted or abstracted from the article; 403(a)—the label statement "Vitamin B-12 Activity * * * 5 mcg." was false and misleading; 403(a)—the label statement "Geriatric Multi-Vitamins Supplemented with 150 mg. Toleron Trace Minerals and 5 mcg. Vitamin B-12," was false and misleading since it suggested and implied that the nutritional requirements of people of old age are different from adults generally since the article also contained ingredients additional to vitamins, minerals, or vitamin B₁₂, and since the term "Toleron" in the setting in which it was used, was meaningless as a designation for any ingredient; and 403(a)—the label statements "Desiccated Liver NF * * * Dried Debittered Yeast * * * The need in human nutrition is established, but MDAR not determined," and "Mag-